

Forty-ninth Legislature
First Regular Session

COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2316

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-709.03, Arizona Revised Statutes, is amended to
3 read:

4 **13-709.03. Special sentencing provisions; drug offenses**

5 A person who is convicted of a violation of section 13-3407,
6 subsection A, paragraph 2, 3, 4 or 7 involving methamphetamine shall be
7 sentenced as follows:

8 Minimum Presumptive Maximum

9 5 CALENDAR years 10 CALENDAR years 15 CALENDAR years

10 B. A person who is convicted of a violation of section 13-3407,
11 subsection A, paragraph 2, 3, 4 or 7 involving methamphetamine and who has
12 previously been convicted of a violation of section 13-3407, subsection A,
13 paragraph 2, 3, 4 or 7 involving methamphetamine or section 13-3407.01 shall
14 be sentenced as follows:

15 Minimum Presumptive Maximum

16 10 CALENDAR years 15 CALENDAR years 20 CALENDAR years

17 C. The presumptive, minimum and maximum sentence for a violation of
18 section 13-3411, subsection A shall be increased by one year. A person is
19 not eligible for suspension of sentence, probation, pardon or release from
20 confinement on any basis except pursuant to section 31-233, subsection A or B
21 until the sentence imposed by the court has been served or commuted. The
22 additional sentence imposed under section 13-3411, subsection B is in
23 addition to any enhanced punishment that may be applicable under section
24 13-703, section 13-704, section 13-708, subsection D or any provision of
25 chapter 34 of this title.

26 D. The presumptive term imposed pursuant to subsections A and B of
27 this section may be mitigated or aggravated pursuant to section 13-701,
28 subsections D and E."

1 Sec. 2. Section 13-710, Arizona Revised Statutes, is amended to read:

2 13-710. Sentence for second degree murder

3 A. Except as provided in section 13-705 or section 13-706, subsection
4 A, a person who is convicted of second degree murder as defined by section
5 13-1104 shall be sentenced as follows:

	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
6	10 CALENDAR years	16 CALENDAR years	22 CALENDAR years

7

8 B. Except as provided in section 13-704 or section 13-706, subsection
9 A, a person who is convicted of second degree murder as defined by section
10 13-1104 and who has previously been convicted of second degree murder or a
11 class 2 or 3 felony involving the use or exhibition of a deadly weapon or
12 dangerous instrument or the intentional or knowing infliction of serious
13 physical injury on another shall be sentenced as follows:

14	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
15	15 CALENDAR years	20 CALENDAR years	25 CALENDAR years

16 C. The presumptive term imposed pursuant to subsections A and B of
17 this section may be mitigated or aggravated pursuant to section 13-701,
18 subsections D and E.

19 Sec. 3. Emergency

20 This act is an emergency measure that is necessary to preserve the
21 public peace, health or safety and is operative immediately as provided by
22 law."

23 Amend title to conform

and, as so amended, it do pass

ADAM DRIGGS
Chairman

2316-se-jud

2/5/09

H:jjb